

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

American Civil Liberties of Missouri)	
Foundation, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:13-cv-4223-MJW
)	
George A. Lombardi,)	
)	
Defendant.)	

Motion for Preliminary Injunction

Come now Plaintiffs, pursuant to Rule 65 of the Federal Rules of Civil Procedure, and for the reasons set forth in this Motion and the accompanying Suggestions in Support, move this Court for entry of a preliminary injunction requiring Defendant to authorize Plaintiffs to disclose the identity of suppliers of execution drugs and the records which might disclose the identity of individuals as members or former members of an execution team, as defined by the execution protocol, or providing such other injunctive relief as is proper under the circumstances.

Entry of a preliminary injunction is appropriate in this case because Plaintiffs are likely to succeed on the merits of their as-applied First Amendment challenge to Mo. Rev. Stat. § 546.720; the ongoing chilling effect caused by the statute, as applied, is an irreparable harm that will continue absent an injunction; no harm will be inflicted upon Defendants should a preliminary injunction issue; and the issuance of a preliminary injunction is in the public interest.

Accordingly, Plaintiffs request this Court:

- A. Issue a preliminary injunction; and
- B. Allow Plaintiffs such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Anthony E. Rothert

ANTHONY E. ROTHERT, #44827

GRANT R. DOTY, #60788

AMERICAN CIVIL LIBERTIES

UNIONOF EASTERN MISSOURI

454 Whittier Street

St. Louis, Missouri 63108

Phone: 314/652-3114

Fax: 314/652- 3112

Attorneys for Plaintiffs

Certificate of Service

I certify that a copy of the foregoing was served upon defendants by placing the same in the First Class mail addressed as set forth below and by facsimile as set forth below on October 23, 2013:

George A. Lombardi
2729 Plaza Drive
Jefferson City, Missouri 65102

(573) 751-4099

/s/ Anthony E. Rothert